

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

RIVER BAY CORPORATION

PLAINTIFF

VERSUS

CIVIL ACTION NO. 4:09CV77-P-S

**STERICYCLE, INC., 3CI COMPLETE
COMPLIANCE CORPORATION, CHARLES
CROCHET, CURTIS CRANE, LYNN RAY,
JUDITH DOLAN, AND JOHN DOES A
THROUGH Z**

DEFENDANTS

ORDER

This cause is before the Court on defendants Stericycle, Inc. And 3CI Complete Compliance Corporation's Motion to Dismiss [13]. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

Defendant seeks dismissal of plaintiff's Complaint which alleges causes of action pursuant to 18 U.S.C. § 1964(c) (a civil RICO claim) and state law. The matter has been fully briefed and is ripe for decision.

Dismissal pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure is appropriate if a party fails to state a claim under which relief can be granted. The allegations of the Complaint must be accepted as true when the Court considers whether the plaintiffs have stated a cause of action. See Cramer v. Skinner, 931 F.2d 1020 (5th Cir. 1991); cert. denied, 112 S. Ct. 298, 116 L.Ed.2d 242, 60 U.S.L.W. 3057 (1991). If the factual allegations are not "enough to raise a right to relief above the speculative level," the Court may grant the motion to dismiss. Bell Atlantic Corp. v. Twombly, 127 S. Ct. 1955, 1965 (2007). The Complaint "must contain something more than a statement of facts that merely creates a suspicion of a legally cognizable right of action." Id.

The Court, having evaluated the instant motion under this standard, concludes that defendants' motion is not well-taken and should be denied.

IT IS, THEREFORE, ORDERED AND ADJUDGED that defendants' Motion to Dismiss [13] is not well-taken and should be, and hereby is, DENIED.

SO ORDERED, this the 17th day of March, 2011.

/s/ W. Allen Pepper, Jr._____

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE